

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated July 2, 2007, and reconsideration of that Action is respectfully requested.

A petition for a three-month extension of time accompanies this response together with the appropriate fee. Accordingly, the deadline for responding to the Office Action has been extended until January 2, 2008, and this response is therefore timely filed since it was deposited in the mail for First Class Delivery Service on the date certified on the front page hereof.

Claims 1-13 and 17-22 are presently pending in this application. Claims 3-6, 11-13 and 17-22 have been withdrawn from further consideration as being directed to non-elected subject matter. Claims 14-16 have been canceled, and remaining claims 1, 2 and 7-10 stand rejected.

The examiner has been stating that the term "periodic function" as defined in the specification includes functions whose periods are not constant over time, such as the functions of Figure 1 of Nielsen. Applicants have amended claim 1 to only include functions whose periods are constant over time. Hence, the rejection of the claims under 35 USC §102 clearly has been overcome with these claim changes.

Turning now to the prior rejection of the claims under 35 USC §103, applicant submits the following.

The process of Nielsen for the preparation of mixtures is not suitable to cover the entire phase space or selected portions of the phase space at a prescribed level of resolution.

Unlike Nielson the process of the invention specifically defined in claim 1 and the remaining dependent claim permits addressing each point of the phase space exactly once. The Nielsen reference is not employing at least one conveying device whose conveying rate corresponds to a periodic function varying between a lower and an upper limiting value and whose periods are constant over time. The Nielsen reference is not addressing the issue of covering the entire phase space or selected portions of the phase space at a prescribed level of resolution. It was, therefore, not obvious for a person skilled in the art to address the issue by employing at least one conveying device whose conveying rate corresponds to a periodic function varying between a lower and an upper limiting value and whose periods are constant over time.

The following example is to illustrate the invention in more detail:

In a three component system the conveying rate of components 1 and 2 is to vary periodically between 0 (lower limit) and 9 (upper limit). The conveying rate of component 3 is to increase monotonically from 0 to 9. The phase space in relation to the three components consists of compositions "000" to "999" where the first figure corresponds to the conveying rate of component 3, and the third figure corresponds to the conveying rate of component 1.

The variation of compositions over time is depicted in the attachment to this response. The variation of conveying rate of two conveying devices in the form of a periodic function varying between lower and upper limiting values and whose periods are constant over time has the following effects:

- A) The entire phase space from 000 to 999 is being covered.
- B) Each point of the phase space is addressed exactly once.

C) Control of conveying rates according to the invention does not require "leaps" (e.g. from 0 to 9 or from 9 to 0). This reduces material and/or equipment required to solve the task of the invention.

It is the specified technical advantages that make the invention non-obvious over the Nielsen reference.

The Examiner should note that the German Patent Office granted patent DE 1024 8639 B4, a copy of which is attached. A translation of Claim 1 of this German patent reads as follows:

A process for continuous preparation of mixtures from at least two components, comprising the steps of:

- a) charging at least two individual components to storage vessels
 - b) introducing each individual component by way of a conveying device for each component into a mixing device
 - c) varying the conveying rate of at least one of the conveying devices in such a way that the conveying rate thereof varies periodically between a lower and an upper limiting value, and
 - d) mixing the individual components in the mixing device,
- characterized in that the prepared mixtures exhibit a continuously varying composition.

Also, the European Patent Office recently expressed its intent to grant a European Patent. Attention is directed to <http://www.epoline.org/portal/public>. Register Plus. EP Publication No. EP1410841

A translation of granted European claim 1 reads as follows:

A process for continuous preparation of mixtures from at least two components, comprising the steps of:

- a) charging at least two individual components to storage vessels,
 - b) introducing each individual component by way of a conveying device for each component into a mixing device,
 - c) varying the conveying rate of at least one of the conveying devices, and
 - d) mixing the individual components in the mixing device,
- characterized in that the conveying rate c) varies periodically between a lower and an upper limiting value.

Accordingly, for these reasons it is believed that claims 1, 2 and 7-11 distinguish over Nielson and are not rendered obvious by this reference. The application is believed to be in condition for allowance, and notice to that effect is respectfully requested.

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Respectfully submitted,

By Richard M. Beck
Richard M. Beck

Registration No.: 22,580
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

583752